

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

(Write the District and Division, if any, of  
the court in which the complaint is filed.)

HOWARD McDONALD, et al  
SEE ATTACHED

(Write the full name of each plaintiff who is filing  
this complaint. If the names of all the plaintiffs  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names.)

-against- Jim Justice, et al  
SEE ATTACHED

(Write the full name of each defendant who is  
being sued. If the names of all the defendants  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names.)

FILED

OCT 21 2016

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

Complaint for a Civil Case

Case No. 5:16-cv-09952  
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No  
(check one)

PIAINT, FFS

NAME	PHONE	ADDRESS
1. Howard McDonald <i>Howard McDonald</i>	(304)-235-0165	Rt. 1 Box 78 Williamson, WV 25661
2. Nicholas C. Dove <i>Nicholas C. Dove</i>	(606)-237-4850	163 Paw Paw Frk. Burnwell, Ky. 41514
3. Chad Cline <i>Chad Cline</i>	(304)-938-5209	Po Box 414 Panther, WV 24872
4. Thomas McComas <i>Thomas McComas</i>	(681)-352-4205	Po Box 281 Lorado, WV 25630
5. Joe Sanders <i>Joe Sanders</i>	(304)-923-3589	Po Box 1766 Oceana, WV 24870
6. Frank Adkins <i>Frank Adkins</i>	(304)-583-7070	24 Gillespie Rd Man, WV 25635
7. Jonathan Brown <i>Jonathan Brown</i>	(681)-220-9797	778 Skin Fork Rd. Brenton, WV 24818
8. David Vanover <i>David Vanover</i>	(304)-583-6965	Po Box 153 Bruno, WV 25611
9. John Blackburn <i>John Blackburn</i>	(304)-946-7558	1876 R. A. West Hwy. Delbarton, WV 25670
10. Joey Moore <i>Joey Moore</i>	(304)-682-3008	Po Box 131 Clear fork, WV 24822
11. Eddie Taylor <i>Eddie Taylor</i>	(304)-443-2225	Po Box 573 Varney, WV 25696
<del>12. [REDACTED]</del>	<del>(304)-906-7518</del>	<del>946 Trace Fork Rd. North Springs, WV 24869</del>
13. Dave Cline <i>Dave Cline</i>	(304)-688-3034	12986 Jerry West Hwy. Delbarton, WV 25670
14. Michael Mullins <i>Michael Mullins</i>	(304)-682-3219	Po Box 204 Oceana, WV 24870
15. Eric T Davis <i>Eric T Davis</i>	(304)-888-3879	Po Box 55 Coal Mountain, WV 24823
16. Mike Ellis <i>Mike Ellis</i>	(304)-682-0151	5471 Country Rd. Cyclone WV 24827
17. Virgil Sammons Jr. <i>Virgil Sammons Jr.</i>	(304)-784-2510	Rt. 1 Box 668 Delbarton, WV 25670
18. Jeremy Maynard <i>Jeremy Maynard</i>	(304)-784-4240	11 Laurel Creek Rd Lenore, WV 25676
<del>19. [REDACTED]</del>	<del>(304)-583-7580</del>	<del>Box 198 Accoville, WV 25606</del>
20. Adam Gentry <i>Adam Gentry</i>	(304)-920-5727	Po Box 611 Cool Ridge, WV 25825
21. Josh Toler <i>Josh Toler</i>	(304)-946-8870	5901 Buffalo Creek Rd Amherstdale, WV 25607
22. Randy Vanover <i>Randy Vanover</i>	(304)-583-7776	Po Box 122 Bruno, WV 25611
23. William J Graham <i>William J Graham</i>	(304)-934-8329	120 Burley St. Lester, WV 25865
24. Corey Jackson <i>Corey Jackson</i>	(304)-928-0866	Rt. 2 Box 173 Delbarton, WV 25670

DEFENDANTS

Jim Justice	(540)-776-7890	302 South Jefferson St. Roanoke, Va. 24011
Jay Justice	(540)-776-7890	302 South Jefferson St. Roanoke, Va. 24011
Dynamic Energy	(540)-776-7890	302 South Jefferson St. Roanoke, Va. 24011
Mine # 30	(540)-776-7890	302 South Jefferson St. Roanoke, Va. 24011
Bluestone Coal	(540)-776-7890	302 South Jefferson St. Roanoke, Va. 24011
Bluestone Resources	(540)-776-7890	302 South Jefferson St. Roanoke, Va. 24011
Justice Highwall	(540)-776-7890	302 South Jefferson St. Roanoke, Va. 24011
Mechel	(540)-776-7890	Moscow, Russia
Mechel Bluestone	(540)-776-7890	Moscow, Russia
United Mine Workers of America	(703)-291-2400	18354 Quantico Gateway Drive Suite 200 Triangle, Va. 22172

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address	_____

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	_____
Job or Title (if known)	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address (if known)	_____

Defendant No. 2

Name	_____
Job or Title (if known)	_____
Street Address	_____
City and County	_____

State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

Defendant No. 3

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

Defendant No. 4

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

WARN Act

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is  
incorporated under the laws of the State of (name)  
\_\_\_\_\_, and has its principal place of  
business in the State of (name) \_\_\_\_\_. Or is  
incorporated under the laws of (foreign nation)  
\_\_\_\_\_, and has its principal place of  
business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an  
additional page providing the same information for each additional  
defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant  
owes or the amount at stake—is more than \$75,000, not counting interest  
and costs of court, because (explain) \$ 384,000

4 MONTHS PAY PER 24 PLAINTIFFS AT  
~~\$8,000~~ \$ 8,000 PER MONTH

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as  
briefly as possible the facts showing that each plaintiff is entitled to the damages or other  
relief sought. State how each defendant was involved and what each defendant did that  
caused the plaintiff harm or violated the plaintiff's rights, including the dates and places  
of that involvement or conduct. If more than one claim is asserted, number each claim  
and write a short and plain statement of each claim in a separate paragraph. Attach  
additional pages if needed.

IN 2012 AND 2013 THE PLAINTIFFS WERE LAYED OFF FROM WORK  
WITHOUT PROPER NOTICE OR BEING COMPENSATED ACCORDING  
TO THE WARN ACT.



**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

4 months pay according to WARN Act  
plus interest plus punitive damages for mental Anguish,  
distress, ANXIETY, depression. JURY TRIAL  
DESTRUCTION OF CREDIT SCORE, loss of property, MARITAL ISSUES,

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Plaintiff

SEE ATTACHED

Printed Name of Plaintiff

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.



Signature of Attorney	_____
Printed Name of Attorney	_____
Bar Number	_____
Name of Law Firm	_____
Address	_____
Telephone Number	_____
E-mail Address	_____